

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.38786 to 38797 of 2016

R.Panneerselvam ... Petitioner W.P.38786 of 2016

R.Ravichandran ... Petitioner W.P.38787 of 2016

Alia,  
Staff No.AR0213 ... Petitioner W.P.38788 of 2016

K.Manoharan ... Petitioner W.P.38789 of 2016

B.Balachandran ... Petitioner W.P.38790 of 2016

M.Rajendran ... Petitioner W.P.38791 of 2016

M.Boopathy,  
Staff No.CR1026 ... Petitioner W.P.38792 of 2016

I.Selvadurai,  
Staff No.CR5293 ... Petitioner W.P.38793 of 2016

G.Chandrasekaran,  
Staff No.CR1983 ... Petitioner W.P.38794 of 2016

R.Cheran,  
Staff No.CR1926 ... Petitioner W.P.38795 of 2016

M.Asokan,  
Staff No.CR1946 ... Petitioner W.P.38796 of 2016

M.Shanmugam,  
Staff No.CR1992 ... Petitioner W.P.38797 of 2016

Vs.

1. The Government of Tamil Nadu  
rep. by its Secretary,  
Transport Department,  
Secretariat, St. George Fort,  
Chennai-9.

2. The Managing Director,  
Tamil Nadu State Transport Corporation (Salem) Ltd,  
12, Ramakrishna Salai, Salem 636 007.
3. The General Manager,  
Tamil Nadu State Transport Corporation (Salem) Ltd,  
Dharmapuri Region, Bharathipuram,  
Dharmapuri-5.
4. The Administrator,  
Tamil Nadu State Transport Corporation,  
Employees Post Retirement Welfare Fund Scheme,  
Thiruvalluvar House,  
Pallavan Salai,  
Chennai-2.

... Respondents in all WPs

Writ Petitions filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus,

W.P.No.38786 of 2016 : Directing the respondents to settle the petitioner's retirement benefits including Provident Fund, Gratuity, Commutation, Leave Surrender (E.L.&M.L.), IRT Amount, ERBS Pension Arrears, D.A. arrears, Settlement Arrears and Social Welfare Fund etc. with interest at the rate of not less than 18% p.a. payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% p.a. for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.07.2015 till date of actual payment to the petitioner within a time stipulated by this Court.

W.P.No.38787 of 2016 : Directing the Respondents to settle the petitioners retirement benefits including Gratuity, Commutation Leave Surrender (EL & ML), IRT Amount, ERBS Pension arrears, DA Arrears, Settlement Arrears etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the Respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.03.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.38788 of 2016 : Directing the Respondents to settle the petitioners retirement benefits including Gratuity, Commutation Leave Surrender (EL & ML), IRT Amount, ERBS Pension arrears, DA Arrears, Settlement Arrears and Social Welfare fund etc., with interest at the rate of not less than 18% per annum payable from

the date of retirement and consequently directing the Respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 31.05.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.38789 of 2016 : Directing the Respondents to settle the petitioners retirement benefits including Leave Surrender (EL & ML) IRT Amount ERBS Pension arrears DA Arrears Settlement Arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the Respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 30.06.2011 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.38790 of 2016 : Directing the Respondents to settle the petitioners retirement benefits including Gratuity, Leave Surrender(EL & ML), IRT Amount, ERBS Pension arrears, DA Arrears and Settlement Arrears, salary arrears and social welfare amount etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the Respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 30.06.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.38791 of 2016 : Directing the Respondents to settle the petitioners retirement benefits including Provident Fund, Gratuity, Commutation, Leave Surrender (EL & ML), IRT Amount ERBS Pension arrears, DA Arrears, Settlement Arrears and Social Welfare fund etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the Respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 29.02.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.38792 of 2016 : Directing the Respondents to settle the petitioners retirement benefits including Leave Surrender (EL & ML), IRT Amount, ERBS Pension arrears, DA Arrears and Settlement Arrears, etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the Respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the

petitioner payable from the date of retirement i.e., 30.06.2011 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.38793 of 2016 : Directing the Respondents to settle the petitioners retirement benefits including Provident Fund, Gratuity, Commutation, Leave Surrender (EL & ML), IRT Amount ERBS Pension arrears, DA Arrears, Settlement Arrears and Social Welfare fund etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the Respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 29.02.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.38794 of 2016 : Directing the Respondents to settle the petitioners retirement benefits including Provident Fund, Gratuity, Commutation, Leave Surrender (EL & ML), IRT Amount ERBS Pension arrears, DA Arrears, Settlement Arrears and Social Welfare Fund etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the Respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 30.06.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.38795 of 2016 : Directing the Respondents to settle the petitioners retirement benefits including Gratuity Leave Surrender (EL & ML) IRT Amount ERBS Pension arrears DA Arrears and Settlement Arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the Respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.08.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.38796 of 2016 : Directing the Respondents to settle the petitioners retirement benefits including Gratuity, Commutation, Leave Surrender (EL & ML), IRT Amount, ERBS Pension arrears, DA Arrears, Settlement Arrears and Social Welfare Fund etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the Respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 31.12.2015 to till

date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.38797 of 2016 : Directing the Respondents to settle the petitioners retirement benefits including Gratuity, Leave Surrender(EL & ML), IRT Amount, ERBS Pension arrears, DA Arrears and Settlement Arrears and salary arrears etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the Respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 31.05.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

For Petitioner : Mr.M.Selvam  
in all the writ petitions

For 1st respondent : Mr.K.Dhananjayan  
Special Government Pleader

For Respondents : Mr.R.K.Gandhi  
2 to 4 in all the writ petitions

#### COMMON ORDER

By consent, the writ petitions themselves are taken up for final disposal.

2. The petitioners joined the services of the Transport Corporation and they retired from service long before. The grievance of the petitioners is that though they retired from service long before, till date, they were not paid with the retirement benefits. In this regard, the petitioners submitted representations before the respondents, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions have been filed.

3. I have heard the learned counsel appearing for the petitioners and the learned Special Government Advocate, who has taken notice for the 1st respondent and the learned Counsel, who has taken notice on behalf of the respondents 2 to 4.

4. The issue involved in the present writ petitions is squarely covered by the judgment of the Division Bench of the Madurai Bench of this Court dated 12.6.2015 made in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others).

5. Following the said judgment, without going into the merits of the matter, the respondents are directed to disburse the aforementioned retiral benefits to the petitioners herein, in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.02.2017.

6. With the above direction, all the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,  
Government of Tamil Nadu  
Transport Department,  
Secretariat, St. George Fort,  
Chennai-9.
2. The Managing Director,  
Tamil Nadu State Transport Corporation (Salem) Ltd,  
12, Ramakrishna Salai, Salem 636 007.
3. The General Manager,  
Tamil Nadu State Transport Corporation (Salem) Ltd,  
Dharmapuri Region, Bharathipuram,  
Dharmapuri-5.
4. The Administrator,  
Tamil Nadu State Transport Corporation,  
Employees Post Retirement Welfare Fund Scheme,  
Thiruvalluvar House,  
Pallavan Salai,  
Chennai-2.

+12cc's to Mr.M.Selvam, Advocate, S.R.No.63811

W.P.Nos.38786 to 38797 of 2016

NM1 (CO)

CA(11/11/2016)